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புதுச்சேரி மாநில அரசிதழ்

La Gazette de L'État de Poudouchéry

The Gazette of Puducherry

PART - II

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(4 Bhadra 1935)				

GOVERNMENT OF PUDUCHERRY LAW DEPARTMENT

No.157/Leg./2012-LD.

Puducherry, the 22nd August 2013.

The following Act of the Legislative Assembly, Puducherry has received the assent of the Lieutenant-Governor, Puducherry, on the 3rd August, 2013 and is hereby published for general information :—

THE PUDUCHERRY EXCISE (AMENDMENT)
ACT, 2013

(Act No. 7 of 2013)

AN (3-8-2013)

ACT

further to amend the Puducherry Excise Act, 1970

BE it enacted by the Legislative Assembly of Puducherry in the Sixty-fourth Year of the Republic of India as follows :—

Short title and commencement. 1. (1) This Act may be called the Puducherry Excise (Amendment) Act, 2013.

(2) It shall come into force at once.

Amendment of section 43.

2. In the Puducherry Excise Act, 1970 (hereinafter referred to as the principal Act), in section 43, after sub-section (2), the following sub-sections shall be inserted, namely:—

Act
No.12
of
1970.

"(3) Notwithstanding anything contained in sub-sections (1) and (2) or any other law for the time being in force, where any property liable for confiscation under section 42 is seized or detained, the Excise Commissioner or any other officer authorised by the Government in that behalf is satisfied that an offence has been committed against this Act and whether or not a prosecution is instituted for such offence, he may, without prejudice to any other punishment to which the offender is liable under this Act, order confiscation of any property or animal, vessel, cart or other vehicle used in the commission of such offence:

Provided that, before passing an order of confiscation, the owner or the person from whom such property, animal, vessel, cart or other vehicle is seized, shall be given—

- (i) a notice in writing informing him of the grounds on which it is proposed to confiscate;
- (ii) an opportunity of making a representation in writing within a reasonable time, not exceeding 14 days as may be specified in the notice, against the grounds of confiscation ; and
- (iii) a reasonable opportunity of being heard in the matter:

Provided further that the owner or the person from whom such property, animal, vessel, or cart or other vehicle is seized shall be given an option to pay, *in lieu of* its confiscation, an amount not exceeding the market price of such property.

(4) While making an order of confiscation under sub-section (3), the Excise Commissioner or any other officer authorised by the Government may also order that such of the properties to which the order of confiscation relates, which, in his opinion, cannot be preserved or are not fit for human consumption, be destroyed.

(5) Where the Excise Commissioner or any other officer authorised by the Government after passing an order of confiscation under sub-section (3) is of the opinion that it is expedient in the public interest so to do, he may

order the confiscated property or any part thereof to be sold by public auction or dispose it of otherwise and the proceeds remitted into the excise revenue account under this Act.

(6) Where the confiscation is ordered by an officer authorised by the Government in this behalf, such officer shall submit a report of all particulars of confiscation to the Excise Commissioner within one month of such confiscation.

(7) Any person aggrieved by an order of confiscation under sub-section (3) may, within one month from the date of the receipt of such order, appeal to the court of session having jurisdiction.”.

Insertion of new
section 43-A.

3. In the principal Act, after section 43 as so amended, the following shall be inserted, namely:-

“43-A. Order of confiscation and destruction not to interfere with other punishment.— (1) The order of any confiscation under sub-section (3) of section 43 shall not prevent imposition of any other punishment to which the person affected thereby is liable under this Act.

(2) Notwithstanding anything contained in any other law for the time being in force, the non-production of confiscated property before the trial court due to disposal of such property, shall not affect the conviction for an offence under this Act:

Provided that the samples of liquor and the photographs of the confiscated property may be preserved to meet the evidentiary requirements.”.

T.T. GAMDIK, I.A.S.,
Law Secretary to Government.

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